

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CORA TEXAS MANUFACTURING
COMPANY, L.L.C.

AI # 1306

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-AE-21-0081
*
*
* Enforcement Tracking No.
* AE-PP-20-00211
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SETTLEMENT

The following Settlement is hereby agreed to between Cora Texas Manufacturing Company, L.L.C. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates a raw sugar processing plant located in White Castle, Iberville Parish, Louisiana (“the Facility”).

II

On October 8, 2020, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-20-00211 (Exhibit 1).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00), of which One Thousand Five Hundred Thirty-Six and 53/100 Dollars (\$1,536.53) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for

both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberville Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

CORA TEXAS MANUFACTURING COMPANY, L.L.C.

BY: [Signature]
(Signature)

Charles Schudnak
(Printed)

TITLE: COO

THUS DONE AND SIGNED in duplicate original before me this 18th day of December, 20 23, at Natchez, MS.



[Signature]
NOTARY PUBLIC (ID # 304265)

Erin Colborn
(stamped or printed)

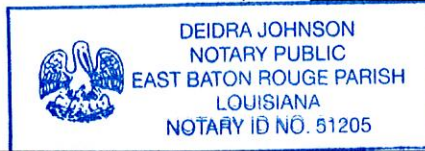
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Proger W. Gringles, Secretary

BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 21st day of December, 20 23, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 51205)



(stamped or printed)

Lifetime Commission

Approved: [Signature]
Celena J. Cage, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 8, 2020

CERTIFIED MAIL (7019 1120 0000 2352 0711)
RETURN RECEIPT REQUESTED

CORA TEXAS MANUFACTURING COMPANY, L.L.C.
c/o Paul B. Kessler
Agent for Service of Process
32505 Louisiana Highway 1
White Castle, LA 70788

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-20-00211
AGENCY INTEREST NO. 1306**

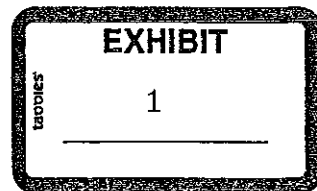
Dear Sir:

On or about November 21, 2019, and November 25, 2019, inspections of the **WHITE CASTLE FACILITY** (the facility), a raw sugar processing plant, owned and/or operated by **CORA TEXAS MANUFACTURING COMPANY, L.L.C. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 32505 Louisiana Highway 1 in White Castle, Iberville Parish, Louisiana. The facility operates under Title V Permit 1280-00004-V5, issued on February 3, 2015.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections and subsequent file review, conducted on August 5, 2020. The facility's bagasse boilers are described in Table A:

TABLE A

Bagasse Boiler No. 1	EQT 0001
Bagasse Boiler No. 2	EQT 0002
Bagasse Boiler No. 3	EQT 0003
Bagasse Boiler No. 4	EQT 0004
Bagasse Boiler No. 5	EQT 0005
Bagasse Boiler No. 6	EQT 0006



Cora Texas Manufacturing Company, L.L.C.

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- A. The Respondent recorded, at four-hour intervals, operating the scrubbers for the following boilers, below the required minimum flow rate of 200 gallons per minute (gpm), as required by the Specific Requirement (SR) as shown in Table B:

TABLE B

2018 Grinding Season September 25, 2018 – January 6, 2019				
Boiler	Date	Time	Actual flow rate, gpm	SR
No. 3	December 30	3:00 pm	194	42
2019 Grinding Season September 26, 2019 – December 21, 2019				
No. 1	September 27	3:00 pm	180	12
No. 1	September 27	7:00 pm	189	12
No. 3	September 27	3:00 pm	134	42
No. 4	September 28	3:00 pm	197	57
No. 3	November 21	11:00 am – 3:00 am (5 readings)	129 – 133	42
	November 22	7:00 am – 3:00 am	129 – 166	
	November 23	(6 readings each operating day)	130 – 162	
	November 24		160 - 161	

Each failure to maintain the scrubber flow rate at greater than or equal to (\geq) 200 gpm is a violation of the applicable SR of Title V Permit No. 1280-00004-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1). In electronic correspondence dated February 3, 2020, the Respondent disclosed that the ongoing Title V renewal process includes revising the scrubber flow rate for the No. 3 Boiler to 125 gpm.

- B. The Respondent failed to record daily boiler scrubber flow rates at four-hour intervals, as shown in Table C:

TABLE C

2018 Grinding Season September 25, 2018 – January 6, 2019			
Boiler No.(s)	Operating Day	Four-hour interval	SR(s)
1-6	October 30	3 pm	14, 29, 44, 60, 79, 98
	November 14	3 am	
	December 7	3 am	
	December 30	7 pm	
2019 Grinding Season September 26, 2019 – December 21, 2019			
1-6	September 26	3 pm, 7 pm	14, 29, 44, 60, 79, 98
4	September 26	7 am, 11 am	60
4	September 27	7 am, 11 am	60
1, 2	September 28	3 am	14, 29
1	September 29	3 am	14
1-6	November 25	7:00 am – 3:00 am (6 readings each operating day)	14, 29, 44, 60, 79, 98
1-6	November 26	7:00 am – 3:00 am (6 readings each operating day)	

Cora Texas Manufacturing Company, L.L.C.

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Each failure to record scrubber flow rates at every four-hour interval is a violation of the applicable SR of Title V Permit No. 1280-00004-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In electronic correspondence dated February 3, 2020, the Respondent disclosed that re-training of all operators has re-emphasized the recording of all required scrubber monitoring. In addition, management will conduct weekly records audits.

- C. The Respondent failed to record daily opacity readings for Boiler No. 1 through Boiler No. 6 on September 27, 2019, as required by SRs 3, 18, 33, 48, 67, and 86, respectively. The Respondent failed to record a daily opacity reading for Boiler No. 5 on October 2, 2019, as required by SR 67. The Respondent failed to record daily opacity readings for Boiler No. 2 through Boiler No. 4 on January 4 and January 5, 2019, as required by SRs 18, 33, and 48, respectively. Each failure to record daily opacity readings is a violation of the SR listed of Title V Permit No. 1280-00004-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In electronic correspondence dated February 3, 2020, the Respondent submitted a response to the inspection disclosing that the missed readings were likely due to weather. The Respondent stated requirements will be re-emphasized to operators that readings must be either conducted, or weather related comments must be recorded.
- D. The Respondent failed to maintain records of tune-ups conducted on Boiler No. 1 through Boiler No. 6 for the operating year of 2016. Each failure to maintain records of boiler tune-ups is a violation of 40 CFR 63.11225(c)(2)(i), which language has been adopted as a Louisiana regulation in LAC 33:III.5122.A, SR 133 of Title V Permit No. 1280-00004-V5, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In electronic correspondence dated February 3, 2020, the Respondent disclosed the 2016 tune-up records could not be located, so the tune-ups were conducted again in November and December of 2019. Copies of the 2019 tune-up records were attached to the response.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violations described herein. Written comments may be filed regarding the violations and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violations. If you would like to have such a meeting, please contact Mark E. Brown at (225) 219-3782 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you

Cora Texas Manufacturing Company, L.L.C.

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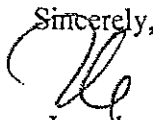
utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violations described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/MEB/meb
Alt ID No. 1280-00004

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	AE-PP-20-000211	Contact Name	Mark E. Brown
Agency Interest (AI) No.	1306	Contact Phone No.	(225) 215-3782
Alternate ID No.	1280-00004		
Respondent:	Cora Texas Manufacturing Company, L.L.C.	Facility Name:	White Castle Facility
	c/o Paul B Kessler	Physical Location:	32505 Louisiana Highway 1
	Agent for Service of Process	City, State, Zip:	White Castle, LA 70788
	32505 Louisiana Highway 1 White Castle, LA 70788	Parish:	Iberville

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____ The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.

_____ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY AE-PP-20-000211, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

_____ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY AE-PP-20-000211, the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional)= \$ _____
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

_____ The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY AE-PP-20-000211, and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Mark E. Brown